

Application No. : 10/660,945
Filed : September 12, 2003

REMARKS

Claims 1 – 5, 14 – 17, and 26 – 51 were pending in the application. By this paper, Applicant has amended Claims 1, 26, 31, 41 and 46, canceled Claims 37-40 and 45 without prejudice, and added new Claim 52. Accordingly, Claims 1-5, 14-17, 26-36, 41-44 and 46-52 are presented for examination herein.

Allowable Subject Matter

Pursuant to Page 17 of the Office Action, Claims 48-51 stand allowed.

Double Patenting Rejections

Claims 1-5 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U. S. Patent No. 6,691,096 B1 (hereinafter '096) in view of Humpleman et al. (US Patent 6,182,094, hereinafter Humpleman). Applicant herein respectfully requests that the Examiner hold all double-patenting rejections in abeyance until amended Claim 1 (and dependent Claims 2-5) and Applicants other remarks provided herein, have been fully considered.

§112 Rejections

Claims 46 and 47 were rejected under 35 U.S.C. 112, second paragraph as ostensibly being incomplete for omitting essential elements.

By this paper, Applicant has amended Claim 46 to include the suggested term “plurality of containers containing from said stream.” Support for this amendment can be found at several places in the specification including, *inter alia*, Figure 3. Hence, Applicant believes the Examiner’s Section 112 rejections have been overcome.

§102 Rejections

Claims 1-5, 11-16, 26-27, 29-35, 37, 40-44 and 45 were rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman.

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Claims 1-5 and 11-16 - Applicant respectfully disagrees with the Examiner's Section 102 rejection of Claims 1-5. However, to expedite prosecution of the present application, Applicant has herein amended Claim 1 to include further distinguishing limitations relating to at least one of the recited plurality of containers comprising information for independent access to
5 each container in the plurality of containers. Support for the amendment can be found at several places in the specification as filed including, *inter alia*, at paragraph [0055].

Applicant submits that Humpleman does not teach or suggest at least one of the recited plurality of containers comprising information for independent access to each container in the plurality as now present in amended Claim 1. Hence, Claim 1 distinguishes over the art of
10 record, and is respectfully in condition for allowance.

Claims 11-16 depend directly or indirectly on Claim 1, and hence are also believed to be in condition for allowance.

Claims 26-30 - Regarding Claims 26-30, Applicant has herein amended Claim 26 to
15 include limitations relating to the recited dynamic data field being constructed in response to a request from the device requesting data. Support for this amendment is replete throughout Applicant's specification as filed.

The Examiner has on pages 7-9 of the Office Action equated to static data field and the dynamic data field of the claimed invention with the static hyperlinks and buttons/GIFs of
20 Humpleman. Applicant respectfully disagrees and traverses. Even if the static hyperlinks were considered to be "static data field," the GIF file taught by Humpleman is "the ICON.GIF file that is stored in each home" (column 13, lines 40-41).

On the contrary, the buttons/GIFs cannot be equated to the dynamic data fields of Claim 26 as amended herein, which are constructed in response to a request from the device requesting
25 data. Applicant therefore respectfully submits that amended Claim 26 (and its dependent claims) are in condition of allowance.

Claims 31-36 - Regarding Claims 31-36, Applicant has herein amended Claim 31 to recite limitations relating to the recited contiguous audio visual control descriptor comprising a
30 length field indicating a length of the contiguous audio visual control descriptor. Support for this amendment is replete throughout Applicant's specification as filed.

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The Examiner has equated the HTML file of Humpleman that contains buttons for each home device connected to the home network (Office Action, page 10, first paragraph). Even if this were true, Humpleman does not disclose an HTML file that includes a length field indicating a length of the file, as in the amended Claim 31. Therefore, Humpleman does not anticipate amended Claim 31, and Applicant respectfully submits that Claims 31-36 are in a condition of allowance.

Claims 37-40 - By this paper, Applicant has canceled Claims 37 and 40 without prejudice, rendering these rejections moot.

Claims 41-44 - Regarding Claims 41-44, Applicant has herein amended Claim 41 to recite limitations relating to at least one of the recited plurality of data fields being writable by the device requesting data. Support for this amendment is replete throughout Applicant's specification as filed including, *inter alia*, paragraph [0052].

The Examiner argues that the HTML file and buttons/GIF files of Humpleman anticipate the static and dynamic fields of the present invention. However, Humpleman invention contemplates a GIF files in the form of "the ICON.GIF file that is stored in each home." (column 13, lines 40-41). Therefore, the "field" (GIF file) is predetermined and merely copied from the device requesting it into the HTML file (column 13, lines 30-40).

In contrast, the dynamic field provision of the invention of amended Claim 41 requires that at least one of the recited plurality of data fields are writable by the device requesting data.

Applicant therefore respectfully submits that amended Claim 41 (and dependent Claims 42-44) are in a condition of allowance.

Claim 45 - Regarding Claim 45, Applicant has herein canceled Claim 45 without prejudice, rendering the rejection moot.

§103 Rejections

Claims 17, 28, 36, 38 and 47 - Claims 17, 28, 36, 38 and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman. Applicant respectfully submits that based

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on *inter alia* its amendments to Claims 1, 26, 31 and 41 discussed above, the aforementioned Claims are both novel and non-obvious over the art of record including Humpleman.

New Claims

By this paper, Applicant has added new independent Claim 52, which corresponds generally to the subject matter of existing Claim 1. Support for the amendment can be found at several places in the specification as filed including, *inter alia*, at paragraph [0055]. Neither '096 nor Humpleman teach or suggest a container having a list comprising a size field and a field indicating a number of containers as set forth in new Claim 52.

Other Remarks

Applicant hereby specifically reserves all rights of appeal (including those under the Pre-Appeal Brief Pilot Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims. If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

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